

12/11/00

jc978 U.S. PTO

Please type a plus sign (+) inside this box → ☐PTO/SB/05 (4/98)
Approved for use through 09/30/2000. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 C.F.R. § 1.53(b))

Attorney Docket No. 4952.US.C1

First Inventor or Application Identifier L. Katz

Title See 1 in Addendum

Express Mail Label No. EL507389270US

APPLICATION ELEMENTS
See MPEP chapter 600 concerning utility patent application contents.**ADDRESS TO:** Assistant Commissioner for Patents
Box Patent Application
Washington, DC 202311. ☒ * Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)2. ☒ Specification [Total Pages 90]

- Descriptive title of the Invention
- Cross References to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to Microfiche Appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure

3. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 44]

4. Oath or Declaration [Total Pages 4]

- a. ☐ Newly executed (original or copy)
- b. ☒ Copy from a prior application (37 C.F.R. § 1.63(d))
(for continuation/divisional with Box 16 completed)
 - i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting
inventor(s) named in the prior application,
see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).

*** NOTE FOR ITEMS 1 & 13 IN ORDER TO BE ENTITLED TO PAY SMALL ENTITY
FEES, A SMALL ENTITY STATEMENT IS REQUIRED (37 C.F.R. § 1.27), EXCEPT
IF ONE FILED IN A PRIOR APPLICATION IS RELIED UPON (37 C.F.R. § 1.28).**5. ☐ Microfiche Computer Program (Appendix)6. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)

- a. ☐ Computer Readable Copy
- b. ☒ Paper Copy (identical to computer copy)
- c. ☒ Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

- 7. ☐ Assignment Papers (cover sheet & document(s))
- 8. ☐ 37 C.F.R. § 3.73(b) Statement ☐ Power of
(when there is an assignee) Attorney
- 9. ☐ English Translation Document (if applicable)
- 10. ☐ Information Disclosure ☐ Copies of IDS
Statement (IDS)/PTO-1449 Citations
- 11. ☒ Preliminary Amendment
- 12. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
- 13. ☐ * Small Entity ☐ Statement filed in prior application
Statement(s) Status still proper and desired
(PTO/SB/09-12)
- 14. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
- 15. ☒ Other: See 2 in Addendum

16. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No: 08/997,467

Prior application information: Examiner W. Moore Group / Art Unit: 1652

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 4b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.**17. CORRESPONDENCE ADDRESS**☐ Customer Number or Bar Code Label

(Insert Customer No. or Attach bar code label here)

or ☐ Correspondence address below

Name	Steven F. Weinstock				
	Abbott Laboratories				
Address	Department 377 / AP6D-2				
	100 Abbott Park Road				
City	Abbott Park	State	IL	Zip Code	60064-6050
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Name (Print/Type)	Dianne Casuto	Registration No. (Attorney/Agent)	40,943
Signature	<i>Dianne Casuto</i>	Date	December 11, 2000

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

Addendum

1. NOVEL POLYKETIDE DERIVATIVES AND RECOMBINANT METHODS FOR MAKING SAME
2. - Request to Use Computer Readable Form from a Priority Application

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A

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FEE TRANSMITTAL

Patent fees are subject to annual revision on October 1.
These are the fees effective October 1, 1997.
Small Entity payments must be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB/09-12.
See 37 C.F.R. §§1.27 and 1.28.

TOTAL AMOUNT OF PAYMENT (\$ 836.00

Complete if Known

Application Number
Filing Date December 11, 2000
First Named Inventor L. Katz
Examiner Name (not yet assigned)
Group / Art Unit (not yet assigned)
Attorney Docket No. 4952.US.C1

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:
Deposit Account Number 01-0025
Deposit Account Name Abbott Laboratories
☒ Charge Any Additional Fee Required Under 37 C.F.R. §§ 1.16 and 1.17
☐ Charge the Issue Fee Set in 37 C.F.R. § 1.18 at the Mailing of the Notice of Allowance

2. ☐ Payment Enclosed:
☐ Check ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Small Entity Fee Code	Fee Description	Fee Paid
101 790	201 395	Utility filing fee	710.00
106 330	206 165	Design filing fee	
107 540	207 270	Plant filing fee	
108 790	208 395	Reissue filing fee	
114 150	214 75	Provisional filing fee	
SUBTOTAL (1)			(\$ 760.00

2. EXTRA CLAIM FEES

Total Claims 27 -20** = 7 x 18.00 = 126.00
Independent Claims 1 -3** = 0 x 80.00 = 00.00
Multiple Dependent =

**or number previously paid, if greater; For Reissues, see below

Large Entity Fee Code	Small Entity Fee Code	Fee Description	Fee Paid
103 22	203 11	Claims in excess of 20	
102 82	202 41	Independent claims in excess of 3	
104 270	204 135	Multiple dependent claim, if not paid	
109 82	209 41	** Reissue independent claims over original patent	
110 22	210 11	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)			(\$ 126.00

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Small Entity Fee Code	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 950	217 475	Extension for reply within third month	
118 1,510	218 755	Extension for reply within fourth month	
128 2,060	228 1,030	Extension for reply within fifth month	
119 310	219 155	Notice of Appeal	
120 310	220 155	Filing a brief in support of an appeal	
121 270	221 135	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,320	241 660	Petition to revive - unintentional	
142 1,320	242 660	Utility issue fee (or reissue)	
143 450	243 225	Design issue fee	
144 670	244 335	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Petitions related to provisional applications	
126 240	126 240	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 790	246 395	Filing a submission after final rejection (37 CFR 1.129(a))	
149 790	249 395	For each additional invention to be examined (37 CFR 1.129(b))	

Other fee (specify)

Other fee (specify)

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 0

SUBMITTED BY

Typed or Printed Name Dianne Casuto

Signature Dianne Casuto

Date December 11, 2000

Complete (if applicable)

Reg. Number 40,943

Deposit Account User ID

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: L. Katz,, *et al.*

Serial No.:

Group No.:

Filed: December 11, 2000

Examiner:

For: NOVEL POLYKETIDE DERIVATIVES AND RECOMBINANT METHODS FOR MAKING SAME

Box Patent Application

Assistant Commissioner for Patents

Washington, D.C. 20231

EXPRESS MAIL CERTIFICATE

"Express Mail" label number EL507389270US

Date of Deposit: December 11, 2000

I hereby state that the following *attached* paper or fee

Utility Patent Application Transmittal- 2 pgs.

Fee Transmittal, - 1 pg. (in duplicate)

Preliminary Amendment – 6 pgs.

Specification (67 pages); Claims (8 pages); Abstract (1 page); **Total: 76**

Drawings – 44 pgs.;

Copy of Executed Declaration and Power of Attorney - 3 pages

Paper Copy of Sequence Listing – pgs. 68 through 81 = 14 pgs.

Statement to Support Filings and Submission in Accordance with 37 CFR 1.821 through 1.825 – 1 pg.

Request to Use Computer Readable Form from a Priority Application— 1 pg.

Two Return-Receipt Postcards

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10, on the date indicated above and is addressed to the Box Patent Application, Assistant Commissioner for Patents, Washington, D.C. 20231.

Wanda E. Smith

Wanda C. Smith

Signature of person mailing paper or fee

(Express Mail Certificate)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: L. Katz, *et al.*

Serial No.:

Filed: December 11, 2000

For: NOVEL POLYKETIDE DERIVATIVES
AND RECOMBINANT METHODS FOR
MAKING SAME

Attorney Docket No.: 4952.US.C1

Examiner: Not yet assigned

Date: December 11, 2000

EXPRESS MAIL NO.: EL507389270US

Certificate of Mailing under 37 CFR §1.10:

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service as Express Mail Post Office to Addressee Service with sufficient postage in an envelope addressed to:

Box Patent Applications
Assistant Commissioner for Patents
Washington, D.C. 20231

on December 11, 2000

Name of person signing
this certificate: Wanda E. Smith

Signature: Wanda E. Smith



**REQUEST TO USE COMPUTER READABLE FORM
FROM A PRIORITY APPLICATION**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The computer readable form in this application is identical with that submitted in the parent application, U.S. Serial No. 08/858,003, the specification of which was filed on May 16, 1997. In accordance with 37 C.F.R. 1.821(e), Applicants request that the same computer readable form, which was submitted in the parent application on May 16, 1997 and October 21, 1997, be used as the computer readable form for the instant application. Applicants understand that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant application. A paper copy of the Sequence Listing is included in the specification herewith. A statement to support the filings and submissions in accordance with 37 C.F.R. §1.821-1.825 is also included.

Respectfully submitted,
L. Katz, *et al.*,

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